- Thank you very much. I am reminded every time the topic of capital punishment comes up, and it comes up quite frequently, I want to congratulate law day facilitators here at the University of Houston Clear Lake campus for picking perhaps one of the most controversial subjects in criminal justice as their main focus for law day. How better can we deal with law than learning the controversies around law?

But Engine Joe, who was a friend of Billy the Kid's and was among those ruffians out in Western parts, all of whom wound up being executed, was carried out by the high sheriff to the gallows to be executed. And the high sheriff, trying to keep with traditions, said Engine Joe, you got any last words? And Engine Joe responded, I thought we come out here for a hanging, not a talking, which were duly recorded as his last words.

But there will never probably be the last word in the debate on capital punishment. The debate has raged as long as I have been able to find any records of discussions in criminal justice. Both sides are very amply represented here, very ably represented here, and we're going to try to stay to some of the issues as best we can.

First we need some kind of a rationale. Why in the 1990s in Texas, Miss Hill, do we need capital punishment?

- It's my belief that there are certain individuals who commit certain crimes. There are certain crimes that are so terrible that those individuals have forfeited their right to live. I think the way our capital murder statute is designed and at least in the Office of the Harris County District Attorney's Office, the rationale and decision making which goes into the decision to seek the death penalty for a particular individual, it's not someone who's gone out and has committed an offense for the first time or a murder for the first time or someone, generally speaking, someone who has a history, someone who has a past of committing offenses involving violence.

And I know along with the debate on the death penalty and along with the debate on punishment and the criminal justice system, there's always the talk about deterrence, rehabilitation, retribution, and those kind of things. And I think today we hear a lot about whether or not the deterrence factor worked. And for me personally, I feel deterrence is important. But with what's happening particularly in Harris County today, one might say it's not deterrence, because those types of offenses are continually being committed.

But my personal philosophy is even if we don't deter anyone else who may be outside of the prison walls contemplating a capital murder, you certainly deter the individual who you've sought the death penalty on. In my experience in the capital murder cases I've tried, they're all individuals who have not just one or two violent acts in their past but individuals who I think at the time they go to trial, generally the ones I've tried are perhaps in their 40's or 50's and they have a history of violence dating back to as early as high school and junior high school.

So I think given the increase in crime, the increase in violent crimes, particularly in our country and particularly in Harris County, I think the death penalty is one of the answers. I do not believe that-- I do believe that there are some individuals that if you put them behind prison walls for life, for example, we don't have life without parole in Texas, but there are certain individuals that I firmly believe will commit acts of violence again, not just on people outside the prison walls. But if we had life without parole, for example, I firmly believe that if there's no incentive to get out of jail or get out of prison early, those same individuals will commit acts of violence within the prison walls.

- Jude, do you want to take that question?

- The question was--

- 1995, why do we need the death penalty in Texas? Obviously you're going to take a position that we don't need it. So you're on.

- Boy, it's a big one. The thing that I work most with today in Texas, what I do for a living now, is work with low income people's needs. We're a beautiful state with abundant wealth. We have wonderful people and opportunities. And we have one of the highest crime rates in America and one of the highest poverty rates in America.

And first and foremost, I think we're looking at the wrong target. I think that instead of focusing on our energies, our money, and our hearts, on retribution and pain, we ought to be looking at maximizing the good stuff here. And the way we need to do that, I think, is by eliminating violence, including our own violence.

I've gotten to know and worked very closely with the families of people who are executed, people on death row, and with those people themselves, men on death row. And a lot of those people, even if, and many of them were not involved in murders, as Miss Hill's-- the people that she's prosecuted seem to have been. But even those who were are very often able to turn around and become valuable people who can change, who can produce good in society. And to me, that's a much more valuable way to look to the future than in creating more violence, more ugliness.

- OK. Jude, obviously there's some pretty heavy, nasty, ugly crimes going on in our society. And Miss Hill offers at least those who do that will be executed and not do that again. What solution do you have or suggestions you can make about how to address the violent crimes happening in our society?

- I think the first thing we need to do is address the violence. We don't do that. I have been the victim of violence, extensive horrible violence. And what really horrified me about the system was that nobody made any attempt to figure out why. What was wrong with those people and how could we help them not be that way? Instead we go out and project. We do the same thing over again. We make more ugliness and more violence.

As a victim, I wanted to be cared for. I wanted to find out what was wrong with that person. Why were they doing that? And we don't put any energy into that. We don't put any energy into prevention in the first place and finding out and addressing the problem and fixing it in the second place. We go straight to getting on the bandwagon. It's something that I think that psychologists call transference, where you go do unto others what was done unto you. And it it's ugly. You're right. You used the right word. And it doesn't fix anything.

- Miss Hill?

- I disagree with that. As I said, a lot of the defendants, at least the ones I've seen in almost the 10 years I've been with the district attorney's office, as I've said, they're individuals who have a history of violence, and they're individuals who have, at least when they came into the system initially, if someone took the time to attempt to identify the problem with the limited resources within the criminal justice system, those problems, we tried to meet those problems. Oftentimes you hear an individual had a poor childhood or you hear an individual had a drug problem. There are certain mechanisms and certain programs within the criminal justice system that we try to address those needs.

But often, as I said, once you get an individual who's committed a capital murder and once the state of Texas or the Harris County District Attorney's Office makes the decision to seek the death penalty on someone, it's someone who we've attempted to eliminate the violence, as you said, someone who we have at least sought somewhere in the criminal justice system to find out what their problem was and to address that problem. And for some reason, that individual did not take advantage of those systems or those mechanisms within the system to address those problems.

Oftentimes, not just in capital murder cases, but oftentimes, particularly now, a lot of the problems that we see are drug related. And there's all kind of talk within the state, probably throughout the country, what can we do within the criminal justice system to address those needs? And recently the state put online a prison uni that's designed specifically to address substance abuse problems. And prior to that, there were other programs within the system to address those kind of problems. Sometimes we hear about family violence and there are programs within the system to address those problems.

But once the decision has been made to seek the death penalty on someone, it is someone in the system who has decided, for whatever reason, that he or she cannot, will not benefit from the problems, excuse me, from those programs and those systems. And for some reason, they've decided to continue with their life or their pattern of violence. And I don't think, quite frankly, that as a society we can afford to take the risk that, OK, let's give this person yet another chance and see if we can eliminate the violence in their life and hopefully they won't go out and harm someone else.

- Miss Hill, the thesis that is coming across is that who winds up in a capital case or those that have failed to avail themselves of all of the opportunities you talk about reform within the system, but as we are certifying 16 year olds for capital trials in Harris County.

- We don't seek the death penalty on those cases.

- And there are people from Harris County that have been convicted and executed for capital trials, things they committed when they were 17 or 18 years old. That's not that unusual.

- Well, first of all, we do not seek the death penalty on certified juveniles. The law does not permit that. If an individual-- if the death penalty is sought and the death penalty, it's rendered at someone who is at least 17 years old, but it's also someone who, again, we don't look at just their adult history.

- Well, when they're 17 years old, they've only been an adult a few months.

- But what I'm saying, Mr. Hill, is we also look at their juvenile history. And as you may or may not know, there are some juveniles out here today that are committing some offenses that are just as horrible and horrendous as someone 35, 40 years old.

- But aren't we violating certain international treaties if we execute people who are under 18 years old? I mean, doesn't the United States condemn other nations that do that and deny them food, sustenance aids, yet we do it ourselves?

- Well, in the state of Texas, as long as you're 17 years old, you stand trial as an adult.

- I think, Ray, what we can agree upon is the limited resources that Belinda spoke to. I think that I would certainly disagree that we are doing the best thing for all of us in throwing away the hope of a future, of a growing up.

I mean, we're facing this month the execution of Gary Graham, who's a perfect case of somebody who was involved in serious crime, although there's a great deal of question about whether he committed the murder for which he's been executed. He's due to be executed on April 29th. And it's obvious that in the years that he's been on death row, he's matured into a useful person who could give back to society and would not continue.

- But Gary wasn't 40 years old when he was tried.

- Exactly. I think we disagree on that. But I do think the thing that I heard Belinda say that I agree very much with is the question of limited resources. What I heard her speaking to was the idea that we can't afford to provide programs that will work. And I do think that's the point of view that we have and that as a state we've been expressing.

I think that we don't offer extensive programs. We don't do the diagnostic work. We don't try to find ways to work with people. We say that we have programs and we do have programs, but they're extremely limited. And we are not willing to invest in making things better. In Scandinavia, the average amount of time that a person who's murdered is incarcerated is three years, but they are not incarcerated in a prison. They go immediately to a hospital because it's understood that they're crazy.

I have to speak to something that an earlier panel addressed, the currently being discussed Senate Bill 13, which would execute people who kill children.

- People under--

- Children under six.

- And over?

- Well, no, the Senate Bill 13 is not the one that addresses senior citizens also. It's just people under six. You got to be crazy to do the kinds of things that we're talking about happening. Now, nobody disputes that. The fact that a person has done something crazy isn't going to bring back the individual who's gone. So the issue very much is what is the future involvement of society with this person? And the question is, are people changeable?

- Jude, if we don't do capital punishment for revenge and we don't think it's much of a deterrent and that's not important anyhow, you just think we should forget all of this and let people kill people at will?

- What is going to be good for us? I was fascinated by these scales up here. The first thing I noticed about them, and I kind of admire this, is that they're rigid. They're not scales that have the play to them that scales are all about. Obviously this is a decorative thing. But it fascinated me. The other thing I noticed was that all the black is on one side and all the white is on the other side. And that's not the way life is. It's not all black and white.

What's wrong with the way the system is handling things, and I agree entirely with what Belinda says about the limited resources question, is that we're looking at things in terms of prosecution and black and white and not in terms of society as a whole. And the fact that things are not black and white.

The saddest case I on death row in one sense, everyone is a different story, but the saddest one to me is the story that I heard from a beautiful woman in Dallas, an absolutely extraordinary woman. And her story was a young couple, three young children working hard, traditional American family work ethic. Husband goes to the convenience store and is murdered. He's paying at the checkout counter and some guy on one of these crazy drugs knifes him.

And all of a sudden, she's alone. An uneducated housewife mother with three little children to raise. Her kids, her 10 year old is acting out. She doesn't have the resources to get him counseling. She goes to the school and asks for help for her kid. And they're African Americans. The school doesn't have-- there's one counselor for God knows how many hundreds of kids. Kid doesn't get any help. He ends up in juvenile hall. She begs them for help. His father has been murdered. No help for him. When he was 19, he was arrested and convicted and sentenced to die for the murder of his next door neighbors on the same drug.

Now, I say that what we've got there is a problem that we're not looking at the right solutions for. There are a lot of other issues in this. Her husband's killer was also African American. There you have Black on Black. He was sentenced to 12 years and served seven, I think. In her case, her son was a Black on white murder, and he's on death row. There are a lot of other issues there. He was also young. He was 19 years old. I mean, you're talking reformation. You're talking about medical stuff. It's not, if you will, black on white. And we're treating it as though it is.

- Belinda, can't we be accused of just seeking revenge?

- I wouldn't say just seeking revenge. In certain instances, I would say that's probably part of the rationale in seeking the death penalty, not as a policy at least from the district attorney's office. But I think that you can't avoid thinking that's part of the rationale. But I would not say that's the only reason that an office would seek the death penalty.

- In your perspective, your perspective as a prosecutor, the case of the young man that Jude just got through talking about who at 19, descendant of a murdered father, is in front of your court who on a drug rage killed next door neighbors. How much choice do you have?

- I have a lot. The way the process works, when a case was filed as a capital murder, it does not automatically go to the grand jury, as many of our other cases do. What often happens is as a chief prosecutor, I read the file. I try to find out something about the individual charged with the offense. Not just his criminal past, but just about him or her as a person. I assign the case to an investigator who works the case up. I ask for school records. I ask to go out and talk to neighbors, including criminal records.

And by the time hopefully that I make a decision whether or not in my mind I think we ought to seek the death penalty, I'd like to feel like I know something about that individual. And in our office, what happens is I then go to my supervisor, who is a division chief. He reviews it and then he makes his decision. From there we go to another individual, who's the chief of the trial bureau. He reviews it and makes a decision. And ultimately, we go to Mr. Holmes, who has the final decision. So it's not just one person sitting behind a desk deciding this person should die. It's a committee decision, basically.

- It's a process.

- Yes.

- Now, as you're making this decision, the public safety is important to you?

- Yes sir.

- OK, you're thinking about whether the public is going to be safe. The criminal justice system is frequently criticized from top to bottom for not making its number one priority the public safety, which I think should be one of the most obvious things in the world.

- I think for me, it's one of the most important considerations. And quite often we hear from citizens, and admittedly it's usually the family members of the deceased, who even if it's a case where we ultimately decide we're not going to seek the death penalty, they're often very unhappy with us because we're not going to seek the death penalty.

- So there are pressures. But is there any pressure from the other side on those decisions?

- From?

- Victims' families come to you-- I call it pressure. That may be an exaggeration. But at any rate, you hear from victim impact stuff encouraging for maximum reach.

- All the time.

- OK. There's no pressure from the other side?

- No sir.

- OK. Now when you actually get to trial, there's this strange thing about capital trial. I mean, we're talking about a run of the mill burglary. There you are. You've got your file open and the criminal defense lawyer is looking over your shoulder. You both know what you got and you know where you're going with this. But capital trials tend to be trial by ambush on both sides. You know that defense attorney has got tricks up his sleeve that he's going to spring on you the courtroom.

- I disagree, Ray, because it is such a serious sentence that we're seeking. You're right, I tend to open my file to the defense lawyer any and all times. Sometimes in cases that are not capital cases, once the case is set for trial, I close the file. But in capital cases, there is a continuing obligation on my part I feel to disclose whatever information I have.

So quite often the trial is not trial by ambush in terms of what the state will bring to the table. As far as what the defense will bring to the table, yes, it depends on the relationship between the prosecutor and the defense lawyer. If it's a defense lawyer that I work well with and someone who I've gotten to know pretty well over the years, they may tell me what they have in store for me. But oftentimes they do not.

- Is that the pattern? I mean, you work in Judge Barr's court, who's an inordinately aboveboard kind of fella. It's the pattern in the other courts as well not to do this trial by ambush stuff?

- At least I would say yes, at least from the prosecution's point of view.

- I've caught Chuck Rosenthal with a few things up his sleeve. That's why I ask that.

- At least it's my impression that prosecutors who try death penalty cases are extremely above board, because we don't want a case to-- you don't want to run the risk of making any mistakes or be accused of hiding something in a case where you're seeking to have someone killed.

- Jude, how does the system look from the perspective of the defense side?

- Just listening to you folks, I get the chills that the idea that there could be anyone anywhere in this system. I don't have any problem, although we've just met, believing that Belinda Hill is absolutely perfect. But we hear stories all over the state, all of us have seen it on the news, of prosecutorial misconduct. That anyone's life could ever be in the balance of somebody's political career, somebody's misjudgment is extraordinary.

It's not a way-- I'm by training a business person. This is not a way to run a business, much less a society. We can't expect to have a good place for all of us if we don't try to make it the best possible place. And this isn't the way to do it. We're spending billions, I think somebody's going to talk about this later, on a system that is so faulty.

We have people, dozens of them I think, if we go back and look at them, of people that we didn't know were severely mentally retarded, where we didn't have any idea often because people didn't even look. Not just the prosecutor, but also the defense attorney. There was a man executed last year whose attitude in the courtroom, as I understand it, was kind of inflammatory. And the onlookers and the press were outraged and it went very badly, of course, against him.

Well, it turned out that he had an IQ of a five year old and his behaviors were behaviors that he had learned to get along in the world. And if the defense attorney had ever looked at his school record, it said right there in his kindergarten record that he was profoundly retarded and disturbed. And that kind of mistake happens all the time.

Why are we even wasting time using a system like that when we could be using our energy-- I don't want dangerous people on the street. I want people who are going to continue to be dangerous to be kept safe from me and me from them and I want people who are better now or well or can contribute to be carefully allowed back to do that. And I want to do things that are going to be useful for all of us and not keep moving us in a direction that has no value and makes terrible mistakes.

And the people that we never hear about are those people's children and their parents and their neighbors and their spouses who are just mutilated as badly as the people who were the family of the person who was murdered. There are two sets of families there, and we ignore that entirely. And that sets a whole other chain of events going. We're not being comprehensive and we're not being balanced. We're being like these scales here. Black and white and stuck.

- Belinda, is the system unmoved by people's mental and emotional conditions?

- I don't think so. First of all, I think the criteria for me is whether or not someone understands if their conduct is right or wrong. You can have someone who may function at a level significantly lower than what he or she should be functioning at, but that does not mean that individual does not understand the nature and consequences of his act or that individual does not understand the difference between right and wrong.

And I disagree with Jude in another way. Often in capital cases either, in some courts I know it's done by the prosecutor, him or herself, a motion is filed at the time that the case comes into the court as a capital to have that individual psychiatrically examined to determine whether or not he's crazy, as Jude put it. And quite often in the punishment phase of the trial, the defense lawyer weeks prior to actually getting to that point in the trial will have had his client interviewed by a psychologist or psychiatrist so that he or she could offer some information to the jury. So the jury can take that information into consideration in deciding whether or not a death sentence should be rendered.

Because I think it's important to remember that although the state decides to seek the death penalty, it's the fact finder. 12 citizens from our community who come in and hear the facts of the case, hear the particular facts about the individual on trial, and decide based on the information that we hear in trial, not something we read about in the newspaper, but the actual facts in the courtroom whether or not that person ought to die.

- But in reality, when you get down to the trial, I mean, I know people sitting on death row from Harris County that are severely mentally retarded. They can't write. You have to go see them if you want to communicate with them. I do that. I know people not from Harris County but from Travis County, no, excuse me, Tarrant County that are on death row who were being treated for paranoid schizophrenia 20 years prior to their conviction of a capital case.

I know a famous Dr. Grigson who as long as he's getting paid for the state, everybody is sane, subject to trial. When he's paid by the defense, everybody's insane, not subject to trial. So I know that mental health opinions are for sale to the first or the highest bidder.

And in the trial, that jury really doesn't get to hear from that defendant. That jury hears from Dr. Grigson. And if the state has paid for Dr. Grigson, he is sane and therefore subject to capital punishment. And if defense pays for him, he is insane and subject to being let off the hook. That's a commercial enterprise that cloaks the jury from the truth.

- No. Dr. Grigson is not the only doctor who can testify in capital.

- But Harris County invested a fortune in Dr. Grigson until he got hired by one defense lawyer. And keep your mouth on the microphone. It works better. OK?

- Well, whether or not Dr. Grigson is for sale to the highest bidder I don't think is the issue. Because if the state decides to use a doctor for psychiatric or psychological testing or to put that evidence before the jury, a defense has the right in his client's best interest to hire whomever he wants to to advance the issues and the evidence--

- No, wait, time, time, time.

- It's not a game.

- Most criminal defense lawyers in capital cases are court appointed attorneys.

- That's true.

- No.

- That's true. That's true.

- Very rarely does the defendant have any say on who gets to be his attorney.

- But she's saying that the attorney can hire whatever--

- The court will allot money to the defense lawyer to hire the doctor to testify or to examine his client so that whatever evidence he feels is important for the fact finder to find out, he will put that doctor on the stand.

- That makes a game out of life, Belinda.

- And I would appreciate if y'all wouldn't jump on one another. But it occurs to me that these resources that are being allocated here are inherently unequal, Belinda. The district attorney's office has more resources and more money for resources than defense attorney court appointed will ever have. And you know that.

- That may be true, Mr. Hill. But in capital cases, most judges in Harris County realize that they are important cases. So if the lawyer goes to him and has a doctor in mind, no matter what the expense is, that money will be allocated.

- Granted your point, Ray, but I still think even if the dollars were equal, I don't think a person's life or their future value to society or their value if they're incarcerated to their children can be measured, ought to be a shuttlecock in a badminton game between attorneys. You think about the way people feel about attorneys when it comes to a lawsuit over having your garage roof, excuse me, roof fixed. It's a person's life. And we have cases-- I'm not from Harris County, but I've heard about--

- There may have been another person's life involved there too at some point.

- Yeah. And that's a different question. That's the question of whether there is some debt owed, blood debt that we should be paying. And I thought we'd gone past that. I could be wrong, but I thought we'd passed that.

- We're supposed to have passed it with the writing of*Antigone,* I believe, some Greek drama, something back there.

- If we can agree that a blood debt is not at issue here, that what we're talking about is what's best for us as a community to be a happy, healthy place for the future, recognizing that something horrible has happened, there are no people that I know who would not devote their lives more to working for a good place for people than someone who has been involved in a murder and has managed to make it back to sanity. And that's the future. But to have attorneys playing a game, a chess game, to see who's going to win on this person's life is to me the most astonishing of not just illogics. I mean.

- Is that fair, Belinda? I mean, when you're in there trying a capital case, and I haven't watched you, but I'll bet you are a good prosecutor in capital cases, is what important, your career, notch on your belt? What's important to you as a person?

- What's important to me as a person is to see that justice is done. And by the time that I have made the decision to seek the death penalty on someone, by the time I have selected a jury, which in the cases I've tried have taken two months, so it means I see that defendant every day for two months, often six hours a day. But by the time I stand up in front of that jury and ask that jury to answer those special issues in such a way that would cause that individual to lose his [INAUDIBLE], I firmly believe that it is the right thing to do, that it's the thing that justice demands.

- Somehow or other, the radio station is leaving us at this point. We're going to continue live here. But somehow or other, I believe Belinda is very sincere in what she says. And I know that Jude is. Both sides are being amply represented here. This is Ray Hill signing off on radio station KPFT. See you next week. And now we continue here. OK. Cheap trick for radio. I'm sorry about that. Hi George. Jude, is it fair to blame the workers of the system for what you disagree in the system? Is Belinda here at fault for doing what she's doing?

- I'm a human too. And my knee jerk response, and then I'll ask forgiveness, is God forgive her. It's very hard for me to do. It is very, very hard to forgive. I understand that as the victim and I understand that as someone has become close, very close, to people who are executed by the state. I certainly wouldn't want to be in that position having to choose whether or not to kill someone or not. And I don't want her to have to be in that position. None of us should be. It's not right for us. We cannot show that killing is wrong by killing.

- Jude, I'm going to throw the same question to you at different angle. I mean, excuse me, Belinda. Are people like Jude really revolutionaries or is that challenging to the system because they differ from your position on capital punishment?

- No. I don't think so. I mean, I understand. I think this is a topic, as you mentioned in your opening remarks, this is a topic where reasonable minds can disagree. And perhaps before I became a prosecutor and before I saw these kinds of cases coming across my desk at an alarming rate and getting into the cases and realizing how bad they are, perhaps if you'd asked me 10 years ago what my opinion on the death penalty was, I may have given you a different answer. But over the years and the types of individuals I've seen, the types of crimes that I've seen, I really do believe it should be a part of the criminal justice system.

- We're going to open up to your questions. There are a couple of microphones back there and two handsome young men ready to facilitate that. If you would like to join this discussion, you're welcome to do that. My name is Ray Hill, and I'm the producer of The Prison Program on radio station KPFT.

The lady to my right is-- on my right? I thought we straightened that out and put you on the other side. Is Belinda Hill, who is a prosecutor in Judge Barr's court in Harris County. And on my left is Jude Filler, who is a colleague of mine who is also a lobbyist. She works for Texans For Human Needs, which--

- I'm not a lobbyist. I'm a public educator.

- Public educator who sometimes twists an arm or two in the halls of Congress.

- Never, never.

- Yes?

- OK, Jude, I give it to you that you're a human, but the statement that you just made a moment ago was so contradictory it made me shake. You said that you found it very hard to forgive her for the things that she does when she's pursuing them in the eyes of justice. But yet you can say that you want absolute forgiveness for someone that has committed a heinous crime.

- I said it's hard to forgive, not that I don't have to do it. I do have to do it.

- I mean, we're talking about people in many cases that have committed a crime three and four times.

- Well, in some cases. But interestingly enough, for example, Carlos Santana, who was a wonderful human being who was executed two weeks ago, was actually not the person who did-- he was there. He was tried under the law of parties. So let's, first of all, recognize that our system doesn't just execute people who have been multiple murderers and so on.

But let's suppose the worst case. The very first case that I was ever aware of, and I'm a convert to this feeling. Most of us start out believing in capital punishment because it's all we know. It's what we grew up with. It's the law of the land. And we tend to believe that the law of the land is right. It's only when we start to understand it and get involved and know more about it and know the people involved and so on that most people, the more they know, the more they change on this.

The very first case that I heard about was a man in Louisiana who was being executed for the rape and murder of a three year old. I couldn't-- to me it's the most revolting thing possible, in particular because I lost a child, a foster child who was very, very dear to me, who was kidnapped and disappeared. And to me the day, sometimes the hour doesn't go by that I don't just hurt all the time with it.

That's not the issue. The issue is two things in my mind. One is hard though that is, I cannot live with, not live well and usefully, without learning to forgive, given that we find a way to be safe. And the second is that we can be safe. Not only that, we can be better than safe. We can find ways so that people who are suffering enough to do those horrible things can be not only contained but become part and give back to us. No one gives more than somebody who comes back from that horror. Forgiveness is necessary. It's hard.

- Before we go on, I'm going to give Belinda a piece of that too. Because from a prosecutor's perspective, you see things that the rest of us don't.

- What came to mind as Jude was talking for me, and I guess what she was trying to emphasize, one of the things she was trying to emphasize is that first offenders, what we call first offenders, are I guess wrongfully subject to the death penalty. And there was a-- Ray asked me earlier about pressures maybe from outside the office about the death penalty.

There was a case that I tried. Didn't try it for the death penalty, but could have. The individual was a first offender and he was 18, 19. I know he was not any older than 20 years old. And what he did was he went to a Jack in the Box and a kid, another teenager, accidentally bumped the back of his truck. And he didn't like that. He got out of the car, went to the back, and said some mean things to him and got back in his truck, got his order from the Jack in the Box, and he left.

And as he was leaving, the kid who was driving the car that bumped him had a couple of brothers in the car with him and one of those guys flipped him the bird. He left, he being the individual that tried, he left in his truck, went home and got his father and his uncle, came back to the Jack in the Box where these three young boys were eating their meal in their car and at the Jack in the Box parking lot proceeded to take a 2 by 4 and break the windows out of the car and pull those young boys out of the car and stabbed each one of them over 30 times.

And the first thing the jury said to me after they found that guy guilty was why couldn't we give him the death penalty? This individual, this kid that I tried, had no prior incidents of violence whatsoever, which is one of the reasons why we did not seek the death penalty. So I don't think it's wrong for us to seek the death penalty on individuals who don't have a prior history of violence, but that is one of the considerations that we make in terms of deciding whether or not to seek it.

- Do you find that responsibility also where you've got to-- I mean, you are in a position where you make the decision in response to the victims, survivors, or in response to the public outcry. You make the decision as to whether this is a capital case or not.

- If I had to make it alone, Ray, maybe I would. But since it's a decision, as I mentioned earlier, that's made by at least three other individuals in our office. And one of the good things, kind of as an aside, for me working with the district attorney's office here in Harris County.

Mr. Holmes is not make us do anything that we don't feel comfortable doing, and he's often told me and he's told me in the last death penalty case when I tried, once I got a guilty verdict and stood up before that jury, he says, if you don't feel comfortable in asking the jury to kill the guy, then don't ask them. And so it's not something that because he's the district attorney, he says go try this case and get the death penalty. It's something that I have to feel comfortable with individually.

- In response to your question myself, I'd like to point out that we're not talking about complete forgiveness here. There's a broad range of punishment not including the capital punishment that if somebody did something that was heinous, ugly, and horrible, they may spend a lot of time in prison or they may not spend so much time in prison. But that system can also accommodate that level of forgiveness as opposed to the maximum. But you had another question?

- OK, the next thing I wanted to address was I agree that we need more public awareness and we need to have facilities and things that we're capable of handling people that need counseling and so forth. But you made a comparison between the United States and Scandinavia. I don't believe that there's the same population growth in Scandinavia in comparison with the United States. They may have more public facilities and capabilities also because, as far as my understanding is, they are taxed probably anywhere between 60 and 65 of their income. So that provides for those public counseling.

Whereas the United States, we're not. And I don't really think that the people in the United States-- I mean you hear right now that they're screaming and yelling about the new taxes that are coming out. I don't think that the people of the United States are willing to be able to give up more of their income to be able to provide these facilities and counseling to somebody that's committed a crime such as this.

- Let me respond to that, because I'm very familiar. 25 years ago Scandinavia was a very homogeneous society. All the people were the same color and about the same economic level and the nine whole yards. That's no longer true. There's been a great deal of immigration of people from all over the world into Scandinavia.

In the second place, the issue about their taxation and the government services that they receive, all of that is very well and true. Of course, they now have a higher standard of living in most of the Scandinavian countries than we do in the United States. So irrespective of their taxation, they keep more of their money than we do here or at least a larger amount of dollars per capita than we do here. So their tax burdens may be very heavy.

And I would pose the question to your question. If we cannot afford the social service agencies to take care of abused and hurting children and screwed up families and all that, why can we continue to afford the violence that that begets and the danger that that begets and the hostility? Why do we have to live in houses with bars on the doors like we were actually the criminals?

I mean, so you trade one value for another. If you don't have the front end social services to take care of the degree of the problem, whether that be in a ghetto or a barrio, then we all pay a heavier burden because no government agent came and put the burglar bars on my house door. I had to pay for that myself.

- Now, I agree that we do need them. I'm not saying that we don't. I'm posing a question to the people of the United States in general. I just don't know if you put that question out there to them if they would be willing to be able to give up more.